



AP 3637

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

Applicants: KEIL, KURT

Group Art Unit: 3637

Serial No.: 09/892,359

Docket No.: KK#2-3

Filed: June 28, 2001

Preliminary Class: Unknown

Mark: STRUCTURAL TUBING  
MEMBERS WITH FLARED OUT  
END SEGMENTS FOR  
CONJOINING

Examiner: Phi Dieu Tran A

Via Central Fax 571/273/8300

(MAIL CONFIRM. COPY)

**SECOND REPLY BRIEF ON MERITS TO THE FINAL PTO ACTION OF  
07/27/05**

Commissioner for Patents  
Box 1450  
Alexandria, Va. 22313-1450

Dear Sir:

Preamble. The latest PTO action of July 27<sup>th</sup> last, having an extendable shortened statutory for appeal, presently set to expire on 26 Oct 2005, was made in response to our substantive reply brief of 02 May 2005. The last Applicant reply brief was filed August 8, 2005, canceling finally rejected claims 21, 22, 24, 25 and 26, leaving allowed claims 1-20 and 23.

The PTO Action of 07/27/2005 stated that the amended original claims 1-20 and 23 were allowed, and claims 21, 22, and 24-26 were finally rejected. They were duly cancelled in the brief filed 8 August 2005. No further amendments to the 21 allowed Applicant offered claims. Those allowable claims were presented in clean copy in papers filed 02 May 04 and 26 July 04.

## IN THE CLAIMS

Claims 1 to 26 were pending in the application at the time of the final action.

Amended claims 1 to 20 and 23 stand allowed by virtue of the official letter of 07/27/05.

Amended claims 21, 22, 24, 25 and 26 were cancelled in the brief of August 2005. That cancellation advise is confirmed in this second reply brief.

## Applicant's Response

Cancel claims 21, 22, 24, 25 and 26 without prejudice to their being presented in a continuing application. Rider C of the August paper (recopied here) summed up the status of all the remaining allowed and cancelled claims.

In a phone conversation of 10/25/05, the Examiner requires another set of the 21 allowed claims, although he concedes they were presented in the earlier briefs and are of record. Consequently, Applicant is faxing another copy of the already allowed and amended original claims 1-20 and 23, as requested in the phone chat mentioned above.

Rider A presents the consolidated set of allowed 21 claims. No marked up version is also required to track the allowed claims, as no changes other then consolidation are currently being made. Rider B of this paper gives the status of all original claims as a result of this submission.

All issues stand resolved. Favorable consideration and a formal notice of allowance as to the allowed claims 1 to 20 and 23 is respectfully solicited.

*Arthur R. Eglington*  
10/25/05

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## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on 26 Oct 05

*Arthur R. Eglington*  
Arthur R. Eglington  
Registration No. 19,868  
26 Oct 05  
Date

Rider B to Reply Brief of October 2005 to Official Action of 07/27/05 (USS 09 892,359)  
Mailed August 2005

Current Status of all Pending Claims

1. Allowed as of July 27, 2005
2. "
3. "
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18. "
19. "
20. "
21. Cancelled 8/2005
22. "
23. Allowed as of July 2005
24. Cancelled 8/2005
25. "
26. "

Melvin C

Ct. EXP  
WITH MLC

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A EGLINTON

PAGE 91

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION**

Applicants:	KEL, KURT	Group Art Unit: 3637
Serial No.:	09/892,359	Docket No.: KK#2-3
Filed:	June 28, 2001	Preliminary Class: Unknown
Mark:	STRUCTURAL TUBING MEMBERS WITH FLARED CUT END SEGMENTS FOR CONTAINING	Examiner: PLI Dieu Tran A  Via Central Fax 571/273/8300

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07/27/2005**

Commissioner for Patents  
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Reider D

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10/25/2005 8:01:36 PM 5703855021	ALEXINGTON	PAGE 01
SECOND REPLY MADE TO FINAL ACTION		
REPLY TO PTO ACTION IN USIN 09/891,359 (COMPLETE CLAIM SET WITH STATUS)		
INDICATIONS AND ALL IN CLEAN TEXT PER 81121		
<b>CLAIMS</b>		
(one(s) amended)		
1. (original) A rigid tubular member of a variable length formed from sheet metal stock in which the member sidewall(s) are generally planar throughout the length and adapted to be custom-fitted and conjuncted with at least one rigid surface of another member, the tubular member being provided with linear groovings along at least one planar surface to permit controlled separation of at least one sidewall thereof along the groovings, such tubular member comprising:		
(a) a transverse configuration which is rectangular in cross-section and has open longitudinal ends; and		
(b) a first pair of externally-placed, linear groovings arrayed in parallel with each of the groovings being located proximal to each of the two ends of a single member sidewall in one planar surface of the member, and each of the groovings being of a depth sufficient to facilitate separation under force of at least an initial finger of one sidewall end segment from the adjacent two sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall end segment at the end point of separation.		
(force removed)		
2. (original) The tubular member of Claim 1 wherein the second pair of externally-placed, linear groovings, arrayed in parallel, are located in an opposing planar surface of the member, with each of the groovings being located proximal to one of the elongate set in the opposing planar surface, and each of the second pair of groovings being of a depth sufficient to facilitate separation under force of at least an initial second finger from a second sidewall end segment from the adjoining two sidewall end segments, while maintaining the structural integrity of the		
PAGE 01 OF 010 AT 10/25/2005 8:01:36 PM [Eastern Daylight Time] STR:USPTO-EX-REF-621-DNS-200610-CSD-5703855021-DRAFT-010 (Lines:0,0)		

*Relevant*

6/15

REPLY TO PTO ACTION IN USSN 09/892,359 (COMPLETE CLAIM SET WITH STATUS)INDICATIONS AND ALL IN CLEAN TEXT PER § 1.121CLAIMS( ~~one~~ ~~8~~ amended)

1. (original) A rigid tubular member of a variable length formed from sheet steel stock in which the member sidewalls are generally planar throughout their length and adapted to be custom-fitted and conjoined with at least one rigid surface of another member, the tubular member being provided with linear groovings along at least one planar surface to permit controlled separation of at least one sidewall thereof along the groovings, such tubular member comprising:

(a) a transverse configuration which is rectangular in cross-section and has open longitudinal ends; and

(b) a first pair of externally-placed, linear groovings arrayed in parallel with each of the groovings being located proximal to each of the two seams of a single member sidewall in one planar surface of the member, and each of the groovings being of a depth sufficient to facilitate separation under force of at least an initial finger of one sidewall end segment from the adjacent two sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall end segment at the end point of separation.

~~Once amended~~)

2. (original) The tubular member of Claim 1 wherein a second pair of externally-placed, linear groovings, arrayed in parallel, are located in an opposing planar surface of the member, with each of the groovings being located proximal to one of the elongate set in the opposing planar surface, and each of the second pair of groovings being of a depth sufficient to facilitate separation under force of at least an initial second finger from a second sidewall end segment from the adjoining two sidewall end segments, while maintaining the structural integrity of the

transverse dimension of the separated sidewall end segment at the end point of separation.

**(once amended)**

3. (original) The tubular member of Claim 2 wherein a third pair of externally-placed, linear groovings, arrayed in parallel, are located in at least one of the third and fourth planar surfaces of the member, having the same juxtaposition as did each of the first and second pairs, and being of substantially the same depths as the first and second pairs of groovings to facilitate separation under force of at least an initial third finger from a third sidewall end segment from the adjacent two sidewall end segments.

**(once amended)**

4. (original) A rigid tubular member of a variable length formed from sheet steel stock, in which the member sidewalls are generally planar throughout their length and adapted to be custom-fitted and conjoined with at least one planar surface of another member, the tubular member being provided with linear groovings along at least one planar surface to permit controlled separation of at least one sidewall thereof along the groovings, such tubular member comprising:

(a) a transverse configuration which is rectangular in cross-section and has open longitudinal ends; and

(b) a first pair of externally-placed linear groovings, arrayed in parallel, with each such grooving located coincident with the two external linear seams of the tubing located on the elongate edges of one planar surface thereof, and with each of such groovings being of a depth sufficient to facilitate separation under force of at least an initial first finger from a first sidewall end segment from the adjacent sidewall end segments.

**(once amended)**

5. (original) The tubular member of Claim 4 wherein a second pair of externally-placed, linear groovings, arrayed in parallel, are located in an opposing planar surface of the member, with each of the groovings being located coincident with the external linear seams of the tubing

and on the opposing elongate edges of one planar surface thereof, and with each of the second pair being of a depth sufficient to facilitate separation under force of at least an initial second finger from a second sidewall end segment from the adjoining two sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall end segment at the end point of separation.

**(once amended)**

6. (original) A rigid tubular member of a variable length formed from sheet steel stock in which the member sidewalls are generally planar throughout their length adapted to be custom-fitted and conjoined with at least one rigid surface of another rigid member, the tubular member being provided with linear groovings along at least one planar surface to permit controlled separation of at least one sidewall thereof along the groovings, such tubular member comprising:

- (a) a transverse configuration which is rectangular in cross-section and has open longitudinal ends; and
- (b) a first pair of internally-placed, linear groovings, arrayed in parallel, with each of the groovings being located coincident with the two internal linear seams of one planar surface of a tubing sidewall, thereof, with each of the groovings being of a depth sufficient to facilitate separation under force of at least an initial first finger from one sidewall end segment from the adjacent two sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall end at the points of separation.

**(once amended)**

7. (original) The tubular member of Claim 6 wherein a second pair of internally placed, linear groovings, arrayed in parallel, are located in the opposing planar surface of the member, with each of the groovings being located coincident with the two elongate seams in the opposing planar surface, and each of the second pair being of a sufficient depth sufficient to facilitate separation under force of at least an initial second finger from one sidewall end segment from the

adjacent two sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall end at the points of separation.

8. (once amended) A rigid tubular member of a variable length formed from sheet steel stock in which the member sidewalls are generally planar throughout their length adapted to be custom-fitted and conjoined with at least one rigid surface of another member, the tubular member being provided with linear groovings along at least one planar surface to permit controlled separation of at least one sidewall along the groovings, adapted to be fitted to other surfaces, such tubular member comprising:

- (a) a transverse configuration which is rectangular in cross-section and has open longitudinal ends;
- (b) a first pair of externally-placed, linear groovings, arrayed in parallel, with each of the groovings being located proximal to each of the two seams of a single member sidewall in one planar surface of the member; and,
- (c) a first pair of internally-placed, linear groovings, arrayed in parallel, with each of the groovings being located coincident with the internal linear seams of a first planar surface tubing sidewalls, of the first planar surface thereof, with the combination of the internal and external groovings being of a depth sufficient to facilitate separation under force of at least an initial first finger from one sidewall end segment from the adjacent two sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall end at the points of separation.

9. (once amended) The tubular member of Claim 8 wherein:

- (a) a second pair of externally-placed, linear groovings, arrayed in parallel, are located in the opposing planar surface of the member, with each of the groovings being located

proximal to one of the elongate seams in an opposing planar surface; and,

(b) a second pair of internally placed, linear groovings, arrayed in parallel, are located in the opposing planar surface of the member, and disposed on the opposing elongate edge of the opposing planar surface, with each of the groovings being located coincident with one of the elongate seams in the opposing planar surface, and with the combination of the internal and external groovings being of a sufficient depth sufficient to facilitate separation under force of at least an initial first finger from one sidewall end segment from the adjacent two sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall end at the points of separation.

**(once amended)**  
10. (original) The tubular member of Claim 1 having a rectangular cross-section, wherein the internal span of the one opposing pair of sidewalls have depending end segments which are adapted to tightly engage the external span of a complementary pair of sidewalls on a second tubular member of identical cross dimensions.

**(once amended)**  
11. (original) A pair of conjoined tubular members of variable length and like rectangular cross-sections, formed from sheet steel stock, each having a narrower internal dimensional span and a comparatively wider external dimensional span wherein:

(a) the internal span of one opposing pair of sidewalls of a first member which is left intact, while at least one of the complementary end sidewalls of a second member and as to the one end sidewall it includes a first pair of externally-placed, linear groovings arrayed in parallel with each of the groovings being located proximal to one of the elongate opposing seams in one planar surface of the member, and each of the groovings being of a depth sufficient to facilitate separation under force of at least an initial finger from one sidewall end segment from the adjacent two sidewall end segments, while maintaining the structural integrity

of the transverse dimension of the separated sidewall end segment at the end point of separation which has been flared outwardly and fixedly and so that:

(b) the internal dimensional span of the first pair of sidewalls of the second member snugly straddles the narrower external dimensional span of the other intact first member for purposes of member conjoining at a point along the longitudinal dimensions of the first tubular member.

**(once amended)**  
12. (original) The conjoined tubular pair of Claim 11 wherein the straddling second member is mounted upon the other first member at a substantially right angle.

**(once amended)**  
13. (original) The conjoined tubular pair of Claim 11 wherein the straddling second member is mounted upon the other first member at an acute angle.

**(once amended)**  
14. (original) The conjoined tubular pair of Claim 11 wherein each of two or more flared fingers of the divergent sidewall end segments are provided with a substantially central perforation, which perforations are adapted to align themselves with a complementary set of perforations provided in the sidewalls of the other conjoined member, so as to permit the passage therethrough of two or more interconnecting and fastener members.

**(once amended)**  
15. (original) A pair of conjoined tubular members of variable length and rectangular cross-section both formed from sheet steel stock having a narrower external dimensional span and a comparatively wider internal dimensional span, wherein the external dimensional span of the opposing pair of sidewalls of the first member is left intact, while at least one of the end sidewalls of the second member includes:

(a) a first pair of externally-placed, linear groovings arrayed in parallel with each of the groovings being located proximal to each of the two seams of a single member sidewall in one planar surface of the member, and each of the groovings being of a depth sufficient to

facilitate separation under force of at least an initial finger from one sidewall end segment from the adjacent two sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall end segment at the end point of separation and which has been flared outwardly and fixedly, so that:

(b) the internal dimensional span of the second member tightly straddles the unflared end sidewalls of the external narrower dimension of the first member at its one longitudinal end, providing at least three sidewall end segments of the second member contacting the first member.

**(once amended)**

16. (original) A pair of conjoined tubular members each of variable length and rectangular cross-section, formed from sheet steel stock, each having a narrower external dimensional span and, on the opposing sides, a comparatively wider, internal dimensional span of the remaining two sides, wherein:

(a) first pair of externally-placed, linear groovings arrayed in parallel with each of the groovings being located proximal to one of the elongate opposing seams in one planar surface of the second member, and each of the groovings being of a depth sufficient to facilitate separation under force of at least an initial finger from one sidewall end segment from the adjacent two sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall end segment at the end point of separation.

(b) a second pair of externally-placed, linear groovings, arrayed in parallel, are located in an opposing planar surface of the second member, with each of the groovings being located proximal to one of the elongate seams in the opposing planar surface, and each of the second pair of groovings being of a depth sufficient to facilitate separation under force of at least an initial second finger from a second sidewall end segment from the adjoining two sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall

end segment at the end point of separation.

- (c) one opposing pair of sidewall end segments of the second member are flared angularly relative to the intact first member sidewall and seat upon an external planar surface of the first member sidewall;
- (d) while at least one of the other end segments of the second member has been flared outwardly and fixedly so that:

- (e) the opposing pair of sidewall end segments of the second member are stepped out and straddles the external dimensional span of the first intact tubular member.

**(once amended)**

17. (original) The pair of tubular members of Claim 16 wherein the first member sidewall end segments and the intact second member sidewalls are each provided with a substantially central perforation, which perforations are adapted to align themselves with a complementary set of perforations in the underlying intact second member, so as to permit the passage therethrough of two or more interconnecting and fastening members.

**(once amended)**

18. (original) A tubular member and a right angle member conjoined and each being of variable length and rectangular cross-section, formed from sheet steel stock, wherein at least one of the sidewall end segments of the angle member is flared angularly relative to one intact tubular member sidewall and seats upon the external planar surface of the intact tubular member sidewall, wherein as to the angle member a first pair of externally placed, linear groovings are located proximal to a single seam with each of the groovings being of a depth sufficient to facilitate separation under force of an initial finger from one of the sidewall end segments.

**(once amended)**

19. (original) The rigid tubular member of Claim 1 wherein the material of construction is a thermoplastic resin extruded to a formed member and retaining its structural integrity under bearing load.

~~(once amended)~~

20. (original) A pair of conjoined tubular members each of variable length and rectangular cross-section both formed from sheet steel stock, wherein:

- (a) a first pair of externally-placed, linear groovings arrayed in parallel with each of the groovings being located proximal to each of the two seams of a single member sidewall in one planar surface of the second member, and each of the groovings being of a depth sufficient to facilitate separation under force of at least an initial finger from one sidewall end segment from the adjacent two sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall end segment at the end point of separation.
- (b) a second pair of externally-placed, linear groovings, arrayed in parallel, are located in an opposing planar surface of the second member, with each of the groovings being located proximal to one of the elongate seams in the opposing planar surface, and each of the second pair of groovings being of a depth sufficient to facilitate separation under force of at least an initial second finger from a second sidewall end segment from the adjoining two sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall end segment at the end point of separation;
- (c) one opposing pair of the sidewall end segments of the second member are flared angularly relative to the intact first member sidewall and seat upon an external planar surface of the first member sidewall;
- (d) while at least one of the other end segments of the second member has been stepped out flared outwardly and fixedly, so that:
- (e) the opposing pair of sidewall end members of the second member are adapted to straddle the external dimensional span of the first intact tubular member.

23. (Original-once amended) A rigid tubular member of a variable length formed from sheet steel stock, in which the member sidewalls are generally planar throughout their length and adapted to be custom-fitted and conjoined with at least one rigid surface of another member, the tubular member being provided with linear groovings along at least one planar surface to permit controlled separation of at least one sidewall thereof along the groovings, such tubular member comprising;

- (a) a transverse configuration which is rectangular in cross-section and has open longitudinal ends;
- (b) a first pair of externally-placed, linear groovings, with each grooving being located coincident with the two seams of a contiguous member sidewall, and each of the groovings being of a depth sufficient to facilitate separation under force of at least an initial first finger on one sidewall end segment from the adjacent two sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall end segment at the end point of separation, and
- (c) a second of pair of externally-placed, linear groovings, which are coincident with the two seams of the member opposing sidewall, and each of the groovings being of a depth sufficient to facilitate separation under force of at least a second finger of the adjacent sidewall end segments, while maintaining the structural integrity of the transverse dimension of the separated sidewall end segment at the end point of separation.